

communication is being submitted within one month after the mailing date of the restriction requirement and, therefore, no fees should be due.

REMARKS

I. Election/Restriction

A restriction requirement under 35 U.S.C. §121 was issued in the subject application.

The Examiner alleges that the subject application contains the following inventions or groups of inventions which are independent and patentably distinct:

Group I: claims 1-12, drawn to stock materials, classified in class 428;

Group II: claims 12-24, drawn to a conveyor belt, classified in class 198, subclass 817;

Group III: claims 25 and 26, drawn to coating, classified in class 427; and

Group IV: claims 27 and 28, drawn to adhesive bonding, classified in class 156, subclass 137.

The Office Action erroneously characterizes the alleged groups of invention. The Office Action characterizes Group I, claims 1-12, as drawn to "stock materials". However, claims 1-11 are drawn to a flexible composite, not stock materials, and claim 12 is drawn to a conveyor belt (the subject of Group II). Furthermore, Group III is not drawn to "coating", but to a method for making a flexible composite which happens to comprise a coating step. Group IV is likewise not drawn to "adhesive bonding", but to a method for making a flexible composite which happens to comprise a bonding step.

The incorrect characterizations may lead to an inadequate examination or classification of the claimed invention.

With traverse, Applicants elect the invention of Group I, that is, the flexible composite of claims 1-11, for examination purposes.

II. Traversal of the Restriction Requirement

Applicants respectfully traverse and request withdrawal of the restriction requirement as to the inventions of Groups I-IV.

The Examiner alleges that inventions I and II are related as process of making and product made. Furthermore, the Examiner alleges that invention I claims one particular way for making a flexible composite. These statements are entirely incorrect. Group I is directed solely to a flexible composite, and Group II is directed solely to a conveyor belt. Thus, both Groups I and II are product claims, and neither Group is directed to a process of making the other.

Groups I and II

Applicants disagree with the Examiner's requirement for restriction between Groups I and II. The composite of Group I represents the genus and the conveyor belt of Group II represents a species of the claimed invention. Therefore, if the invention of Group I is patentably distinct over any prior art, then the invention of Group II must also be necessarily patentable. Thus, the conveyor belt of Group II can only be prepared by the same process as the composite of Group I.

Furthermore, the claims of Group I and II recite substantially the same features. In this regard, both independent product claims, the flexible composite of claim 1 (corresponding to Group I) and the conveyor belt of claim 12 (corresponding to Group II), recite the same claim elements:

- a reinforcement material having two faces;
- a coating disposed over at least one face; and
- a multiplicity of ribs raised above at least one of the coated faces.

Applicants submit that there would be no undue burden upon the Examiner to search and examine the claims of Groups I and II in the present application. In view of the specification, the flexible composite is useful in applications as a conveyor belt. Therefore, even though the claims of Groups I and II are classified in different classes, it is reasonable to expect that a thorough search of Group I would and should include a search of Group II.

Accordingly, economy of Patent Office resources and those of the Applicants as well as fundamental fairness warrant the withdrawal of the restriction requirement as to the claims of Groups I and II.

Groups III and IV

Groups III and IV are directed to methods of making flexible composites, which methods can be used to prepare the composite of Group I, and the conveyor belt of Group II. However, in the present Office Action, the Examiner does not address why Groups III and IV should be restricted.

In a previous restriction requirement made in the Office Action dated January 2, 2002, the Examiner treated claims 25-28 as part of Group I. This is an acknowledgement by the Examiner that the composite claims and the method of preparation claims were part of the same invention. Furthermore, it was also an acknowledgement that it would not be burdensome to examine those claims in that Group. Therefore, Applicants submit that it would still not be burdensome to join Groups III and IV with Groups I and II for examination in a single application.

CONCLUSION

Applicants respectfully request withdrawal of the restriction requirement as to Groups I-IV.

The Assistant Commissioner is hereby authorized to charge any fees which may be due in connection with this communication to Deposit Account 23-1703.

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Respectfully submitted,

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